

UNDERHILL PLANNING COMMISSION

Wednesday, October 19, 2016 6:30 PM

Minutes

Planning Commissioners Present: Chair Cynthia Seybolt, Carolyn Gregson, Pat Lamphere, Andrea Phillips, Catherine Kearns, David Edson

Staff/Municipal Representatives Present: Andrew Strniste, Planning Director

[6:35] The Planning Commission convened at Underhill Town Hall at 6:35pm.

[6:38] Chair C. Seybolt called the meeting to order.

[6:40] Chair C. Seybolt stated that previous meeting minutes could not be approved since a quorum of the Commission that previously attended were not present at the evening's meeting. Commissioner Edson stated that there was a mistake in the October 12 meeting minutes in that his name was listed as an attending Commissioner rather than Commissioner Lamphere.

[6:38] Staff Member Strniste provided an **update about the status of the Capital Improvement Program**. He informed the Planning Commission that the projected cost to pave 3,200 ft. of Pleasant Valley Road and one mile of Poker Hill Road would cost approximately \$447,000, excluding the cost to replace culverts. With the inclusion of culvert replacement, the overall cost would be approximately \$535,000. The most recent CIP draft includes only \$104,000 for this work. The Planning Commission **recommends** that the amount be increased to reflect actual costs.

[6:40] Chair C. Seybolt provided an overview of the bylaw update strategy going forward. She suggested that **more extensive edits be classified as long term edits**, to be addressed in 2018, whereas **simple, and more feasible, edits be classified as short term edits** to be proposed in 2017. She then inquired if there was going to be enough time to develop a presentation for the proposed changes. The Commission agreed to prepare a presentation at the November 2 meeting and **schedule the hearings at the end of November**. The Commission also agreed that they should **begin publicizing** the changes for the 2017 ballot.

[6:50] Staff Member Strniste stated that there was **not enough time to align the Regulations and the Road Ordinance**. A discussion then ensued about process and efficiency in regards to the Regulations and the Road Ordinance, and the issue was tabled.

[6:51] Staff Member Strniste presented the Commission a **list of references in the Regulations that were incorrect**. The Commission **agreed** that these corrections should be included in the ballot proposal.

[6:56] Staff Member Strniste next presented a **list of references in the Regulations that allow development above 1,500 feet elevation**. Commissioner Lamphere stated that he thought allowing tent platforms and lean-tos would be okay above 1,500 feet elevation, and therefore, this statement should remain. Commissioner Kearns stated that a more cautious approach should be taken, as the Town should refrain from making blanket statements. Chair C. Seybolt referred to the Town Plan that states cellular and telephone services should be comparable to urban centers, and **by eliminating the telecommunications exception, there would likely be a conflict with the Town Plan**. Commissioner Kearns stated that by not allowing a telecommunication tower exemption, the cost to provide better service would be passed down to the consumer as more

towers would be needed. She further expressed her thoughts about potential safety issues if telecommunications were not included as an exception. Commissioner Lamphere echoed Commissioner Kerans' sentiment about emergency services, and specifically inquired about unforeseen emergency service equipment. The Commission agreed that emergency service language could be addressed in the 2018 updates. The Commission also **agreed** to propose limiting structures over 1500' to telecommunications and ancillary facilities.

[7:10] A discussion ensued about **accessory dwellings, specifically regarding the differences between attached accessory dwellings and detached accessory dwellings**. Commissioner Edson cautioned the Commission about reducing the maximum square footage requirement from 50% to 30%. He stated that if the primary dwelling unit is already small, the accessory dwelling unit could potentially be a lot smaller than what is currently allowed. Staff Member Strniste stated that attached accessory structures function similarly to a two-family dwelling, and that the Regulations should be updated to reflect this. Updating the Regulations to reflect this change would align with the Listers' definition of a multi-family residence. Commissioner Gregson provided the background of attached accessory structures, as there was a period of time where Underhill did not allow multi-family dwellings, and the attached accessory structure was a way to circumvent that provision. Chair C. Seybolt believed the **issue should be tabled, and that at present the maximum square footage requirement should remain at 50%**. Commissioner Kearns clarified that accessory apartments are an area of concern, especially with the aging population. Commissioner Gregson also stated that the Commission will need to seek out ways to encourage lower costs and more multifamily housing. Staff Member Strniste stated that planned unit developments and planned residential developments may be an avenue to address these concerns.

[7:19] A discussion ensued about **revising a provision in the Regulations that addresses pre-development site work**. Some members of the Commission believed that changing this Regulation may prevent property owners from performing certain acts on their land. Commissioner Gregson stated that this update would not prevent anyone from using their land in a way that is different now. Staff Member Strniste stated that the change of this provision assures that there will be no pre-site development prior to the Development Review Board issuing their final decision. It was **agreed** to make the recommended deletion.

[7:27] A discussion ensued about **re-subdivision, and applying a statute of limitations on when a previously subdivided lot should be considered for classification purposes – whether the current subdivision should be classified as a major or minor subdivision**. Commissioner Gregson stated that she liked the idea of the five-year limitation since it aligns with the Act 250 permitting process. Staff Member Strniste stated that he found the definition of re-subdivision in Article XI, and therefore, does not know if a potential conflict would arise between the proposed edit and the definition of re-subdivision. The **Planning Commission agreed to delegate the search for a solution on rectifying the potential conflict to Staff Member Strniste**, to be voted on at the November 2 meeting.

[7:35] A discussion ensued about **home occupations and it running with the land**. Commissioners Gregson and Kearns believed that if the use was continuous, then the home occupation permit should continue regardless of owner. Commissioner Edson stated that home businesses play into the value of land. Staff Member Strniste stated that if the home occupancy permit did not run with the land, the owner would not be prohibited from getting a permit, as they could apply for one. Commissioner Kearns expressed her **concerns regarding the opportunity for prejudice**. Commissioner Edson and Commissioner Lamphere expressed their **concern about being too hard on businesses**. Commissioner Lamphere clarified the purpose of the Regulations, which

should be about enabling rather than preventing. Chair C. Seybolt stated that she will work on the proposed language for the home occupation update, to be voted on at the November 2 meeting.

- [8:05] Commissioner Gregson presented her research regarding multi-family dwellings and condominiums. She **suggested adding condominiums as a line item in Table 2.1 of the Regulations**. A discussion then ensued about density, and how the definition is too vague. Staff Member Strniste stated that he would use the Table 2.1 requirements for Multi-Family Dwelling as a guide for the new line item. Commissioner Lamphere addressed the arbitrariness of the density requirements. Staff Member Strniste acknowledged that he will adjust the requirement entry for condominiums to allow for two units rather than five in the Soil & Water Conservation zoning district. Commissioner Edson expressed his concern regarding the **difficulty in enforcing the number of dwelling units within a multi-family building**.
- [8:19] Staff Member Strniste provided an overview of the **proposal to move three sections from Article IV to Article III**. He stated that the movement of these sections would **give the Zoning Administrator more administrative control**. The Commission agreed about the relocation of the three sections.
- [8:25] Staff Member Strniste provided the Commission **a list of the definitions that were not used in the Regulations**. Chair C. Seybolt suggested that **comments regarding action on any of these items should be presented to Staff Member Strniste**.
- [8:27] Commissioner Edson **presented language regarding wind power** that he thought the Planning Commission should submit it to the Regional Planning Commission. Chair C. Seybolt recommended that this was an item that can be presented with his solar power language presented earlier in September. Commissioner Kearns expressed her concern with the language as it may be too emotional rather than objective. A Strniste will include a document that conveys the sense of both the solar and the wind statements with his submission to the RPC.
- [8:33] Chair C. Seybolt asked if there would be a **quorum for the November 2nd meeting**. The Commission responded yes.
- [8:34] **Chair C. Seybolt asked for a motion to adjourn**. Commissioner Lamphere moved to accept the motion and Commissioner Gregson seconded the motion. The motion was approved unanimously.

Respectfully Submitted By:
Andrew Strniste, Planning Director

The minutes of the October 19, 2016 meeting were accepted this 2nd day of Nov, 2016.


Cynthia Seybolt, Planning Commission Chair